

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200400304

REGULATORY PROJECT MANAGER: Romano **Date:** 2/7/05
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office Yes (Y/N)** **Date:** 2/7/05
At the project site yes (Y/N) **Date:** 10/13/04

PROJECT LOCATION INFORMATION:

State: Washington
County: Whatcom,
Center coordinates of site by latitude & longitudinal coordinates: 48-50-42/122-16-00
Approximate size of site/property (including uplands & in acres): 22.68 linear miles or 261.16 acres
Name of waterway or watershed: Sumas River

SITE CONDITIONS: 5 wetlands areas (S-7, S-8, S-9, S-10, & S-19) in or adjacent to existing pipeline right-of-way. S-7 is small ditched stream situated within an active agricultural field that drains to S-8. S-8 (less than 2 acres) is a large open water area surrounded by PEM vegetation that has no surface water outlet (infiltrates). S-9 (less than 1 acres) is wetland/stream system that intercepts flows from a slope and consist of PFO, PSS and PEM with no surface water outlet. S-10 (less than one acre) is PEM wetland at base of a steep slope that drains to S-9. S-19 (less than 0.1 acre) is a small PEM wetland within the existing right-of-way with no surface outlet.

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X	X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond		X							
Other water (identify type)	X-								
Ditched stream									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Four of these systems (S-7, S-8, S-9 and S-10) are within the small Outwash Moraine geomorphic region and drain to closed, kettle basins with no surface water outlets. These wetlands are adjacent to or cross through the existing pipeline right-of-way. S-19 is a small closed wetland within the pipeline right-of-way mostly created during the pipeline installation in the 50s.